
HOUSE BILL 2542

State of Washington

61st Legislature

2010 Regular Session

By Representatives Hinkle, Blake, and Warnick

Prefiled 01/05/10. Read first time 01/11/10. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to a comparative review of water availability in
2 local governments' land use plans; creating new sections; and providing
3 an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds increasing conflicts
6 between planned rural residential growth found in county comprehensive
7 plans and the availability of water to serve those areas of planned
8 growth. The legislature further finds that these conflicts raise
9 questions concerning the implementation of local land use plans.
10 Failure to address these conflicts will negatively impact local
11 government planning and environmental and consumer interests.

12 It is the intent of the legislature to obtain a comparative review
13 of local land use plans and water availability, to identify existing
14 and potential conflicts between land use plans and permit decisions and
15 rules, and to identify strategies that will reduce or eliminate those
16 conflicts.

17 It is not the intent of the legislature that this comparative
18 review analyze the underlying legal basis or validity of local land use
19 plans, water right permit decisions, or instream flow rules, or that

1 the results of this comparative review, be used in any local land use
2 or water resource planning process or in an administrative or judicial
3 appeal.

4 NEW SECTION. **Sec. 2.** (1) The department of commerce shall
5 contract with a consulting firm qualified in land use and water supply
6 planning to produce a comparative review of local land use plans
7 adopted by local governments and the water availability found in those
8 planning areas. The geographic scope of the comparative review must
9 include the sixteen water resource inventory areas designated by the
10 department of ecology as critical basins in its March 2003 "Washington
11 Water Acquisition Program" report, as well as Clallam, Jefferson,
12 Skagit, Skamania, Kittitas, Whatcom, Thurston, Snohomish, Clark,
13 Cowlitz, Walla Walla, Columbia, Chelan, and Yakima counties.

14 (2) The comparative review must investigate the following issues
15 associated with land use plans in rural areas:

16 (a) The planned amount of residential development in rural areas of
17 counties that will not be served by existing water purveyors;

18 (b) The water demand necessary to serve residential development,
19 including water for both potable and nonpotable uses; and

20 (c) Whether the water demand necessary under (b) of this subsection
21 is available based on water right permit decisions or instream flow
22 rules adopted by the department of ecology.

23 (3)(a) The comparative review must also identify and report on
24 mechanisms and strategies that could be implemented in rural areas that
25 would assist in providing the water supply necessary to meet planned
26 levels of rural growth.

27 (b) The comparative report must also report on how the following
28 mechanisms may be implemented in each geographic area under review:

29 (i) Provision of water by water purveyors at rural levels of
30 service that would be consistent with the terms "rural character,"
31 "rural development," and "rural governmental services" as defined in
32 RCW 36.70A.030;

33 (ii) Water right transfers;

34 (iii) A mechanism for banking water;

35 (iv) Water exchanges;

36 (v) Mitigation for consumptive water uses;

37 (vi) Water storage;

1 (vii) Purchase or transfer of development rights; and
2 (viii) Other programs, mechanisms, and strategies identified in the
3 report.

4 (4) In identifying and reporting on mechanisms and strategies to
5 address rural water supply issues, the comparative review must also
6 report on:

7 (a) Mechanisms and strategies being implemented in other states to
8 address similar issues; and

9 (b) The adequacy of financial resources and technical expertise at
10 the county level to implement the types of programs identified in
11 subsection (3)(b) of this section.

12 (5) This section expires July 1, 2012.

13 NEW SECTION. **Sec. 3.** If specific funding for the purposes of this
14 act, referencing this act by bill or chapter number, is not provided by
15 June 30, 2010, in the omnibus appropriations act, this act is null and
16 void.

17 NEW SECTION. **Sec. 4.** The comparative review in section 2 of this
18 act may not be used for any purpose in land use or water resource
19 planning processes, quasi-judicial appeals, or judicial review
20 proceedings.

--- END ---